

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

RAYMOND MASCARENAS,

Petitioner,

v.

GREG SMITH, *et al.*,

Respondents.

Case No. 3:14-cv-00054-MMD-VPC

ORDER

This case is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by Raymond Mascarenas, a Nevada prisoner serving a sentence of life in prison with the possibility of parole after ten years, on a sexual assault conviction following a jury trial in Nevada's Second Judicial District Court. Mascarenas' petition for writ of habeas corpus (ECF No. 8) includes six claims for relief. Mascarenas abandoned one of those claims after it was found to be unexhausted in state court (ECF Nos. 28, 29, 30). Respondents have filed an answer (ECF No. 35), responding to the five claims remaining in Mascarenas' petition, and Mascarenas has filed a reply (ECF No. 37).

The Court has examined respondents' answer and Mascarenas' reply, together with the exhibits filed by the respondents (ECF Nos. 20, 21, 22, 27, 36), and determines that expansion of the record is warranted. Respondents have not provided the Court with the video of Mascarenas' statement to the police, which was introduced into evidence and viewed by the jury at Mascarenas' trial. See Trial Transcript, Exh. 12B at 221-22 (ECF No. 21-1 at 40-41). Nor have respondents provided the Court with a

1 transcript of that statement. The Court will order respondents to supplement the record
2 to provide this Court with those materials. See Rule 7 of the Rules Governing Section
3 2254 Cases in the United States District Courts.

4 It is therefore ordered that respondents shall, within twenty (20) days from the
5 date of this order, supplement the record by filing, as exhibits, the video of Mascarenas'
6 statement to the police (in DVD format), and the transcript of that statement. If either of
7 those items is unavailable, respondents will file a declaration explaining its
8 unavailability. Respondents should number the new exhibits starting where the
9 numbering of the exhibits they have already filed leaves off (the new exhibits should
10 begin with Exhibit 53).

11 DATED THIS 22nd day of June 2015.

A handwritten signature in blue ink, appearing to read 'Miranda M. Du', is written over a horizontal line.

MIRANDA M. DU
UNITED STATES DISTRICT JUDGE